
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2571 Session of
2018

INTRODUCED BY KLUNK, BLOOM, CORR, DUSH, FEE, GREINER, GROVE,
PHILLIPS-HILL, JAMES, KAUFFMAN, KNOWLES, MACKENZIE, MARSICO,
MCGINNIS, METCALFE, B. MILLER, MOUL, ROTHMAN, RYAN, TOPPER
AND ZIMMERMAN, JULY 30, 2018

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JULY 30, 2018

AN ACT

1 Amending the act of July 23, 1970 (P.L.563, No.195), entitled
2 "An act establishing rights in public employes to organize
3 and bargain collectively through selected representatives;
4 defining public employes to include employes of nonprofit
5 organizations and institutions; providing compulsory
6 mediation and fact-finding, for collective bargaining
7 impasses; providing arbitration for certain public employes
8 for collective bargaining impasses; defining the scope of
9 collective bargaining; establishing unfair employe and
10 employer practices; prohibiting strikes for certain public
11 employes; permitting strikes under limited conditions;
12 providing penalties for violations; and establishing
13 procedures for implementation," in preliminary provisions,
14 further providing for definitions; in employee rights,
15 providing for payments to employee organizations; in scope of
16 bargaining, providing for collection of payments from
17 nonmembers; and making related repeals.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 301 of the act of July 23, 1970 (P.L.563,
21 No.195), known as the Public Employe Relations Act, is amended
22 by adding a definition to read:

23 Section 301. As used in this act:

24 * * *

1 (20) "Nonmember" means a public employe in a collective
2 bargaining unit who is not a member of the employe organization
3 that serves as the exclusive representative for the collective
4 bargaining unit.

5 Section 2. The act is amended by adding sections to read:

6 Section 402. (a) A public employer shall notify a nonmember
7 in writing that there is no statutory obligation by nonmembers
8 to make any payments to the employe organization that serves as
9 the nonmember's exclusive representative. The notice shall
10 specify the following:

11 (1) A payment shall not be made to the employe organization
12 unless the nonmember affirmatively consents to make the payment.

13 (2) A payment to the employe organization shall not be
14 necessary to maintain employment.

15 (3) If the nonmember agrees to make a payment to the employe
16 organization, the payment shall be made directly to the employe
17 organization and not through a wage deduction.

18 (b) The notice required under subsection (a) shall be made
19 every payday and may be made electronically.

20 (c) Prior to the hiring of a new public employe, the public
21 employer, when applicable, shall notify the applicant of the
22 following:

23 (1) It is not a condition of employment with the public
24 employer for the applicant to become a member of the employe
25 organization that serves as the exclusive representative of the
26 collective bargaining unit.

27 (2) The applicant may opt to be a nonmember. As a nonmember,
28 there is no statutory obligation to make any payments to the
29 employe organization.

30 Section 707. A public employer may not collect through a

1 wage deduction any form of payment from a nonmember to an
2 employe organization.

3 Section 3. Repeals are as follows:

4 (1) The General Assembly declares that the repeals under
5 paragraph (2) are necessary to effectuate the addition of
6 sections 301(20), 402 and 707 of the act.

7 (2) The following acts and parts of acts are repealed:

8 (i) Section 2215 of the act of April 9, 1929
9 (P.L.177, No.175), known as The Administrative Code of
10 1929.

11 (ii) The act of June 2, 1993 (P.L.45, No.15), known
12 as the Public Employee Fair Share Fee Law, is repealed.

13 Section 4. This act shall take effect in 30 days.